

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**LISA TRACY, on behalf of KAYLA M.  
EATON,**

**Plaintiff,**

**-against-**

**02-CV-91**

**JO ANNE B. BARNHART,  
Commissioner of Social Security,**

**Defendant.**

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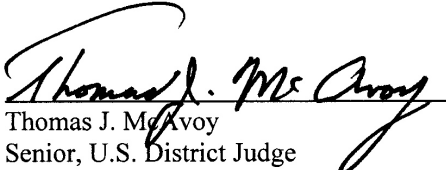
**THOMAS J. McAVOY,  
Senior United States District Judge**

**DECISION & ORDER**

This matter was referred to the Hon. David R. Homer, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. After examining the record, this Court has determined that the Report-Recommendation and Order dated July 27, 2006 is not subject to attack for plain error or manifest injustice. Furthermore, no objections to the Report-Recommendation and Order have been raised. Accordingly, this Court adopts the Report-Recommendation and Order for the reasons stated therein. It is therefore

**ORDERED** that this matter is **REMANDED** to the Commissioner for further proceedings consistent with the Report-Recommendation and Order dated July 27, 2006.

DATED: September 18, 2006

  
Thomas J. McAvoy  
Senior, U.S. District Judge